

PTO/SB/S1S (10-05)

Approved for use through 04/30/2007. OMB 0661-0033
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**SUPPLEMENTAL DECLARATION
FOR REISSUE
PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT
(37 CFR 1.175)**

Attorney Docket Number 043850.016

First Named Inventor HEATH, Randall

COMPLETE If known

Application Number 10/ 673,074

Filing Date September 26, 2003

Art Unit 3673

Examiner Name SAFAVI, Michael

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))

Family Name or Surname

Randall

Heath

Inventor's

Signature

Randall A. Heath

Date

2/26/09

Name of Second Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))

Family Name or Surname

Inventor's

Signature

Randall A. Heath

Date

2/24/09☐ Additional inventors or legal representatives are being named on the _____ supplemental sheets PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (optional)
043850.016

I hereby declare that:

My residence and post office address and citizenship are stated below next to my name.

I am authorized to act on behalf of the following assignee: Homeland Vinyl Products, Inc.

and the title of my position with said assignee is: President

The entire title to the patent identified below is vested in said assignee.

Name of Patentee(s):
Randall Heath

Patent Number
6,324,796

Date of Patent Issued
December 4, 2001

Title of Invention
MODULAR DECKING PLANKS

I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled MODULAR DECKING PLANKS.

the specification of which

☐ is attached hereto.

☒ was filed on 09/26/2003 as reissue application number 10 / 673.074
and was amended on May 5, 2005

(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

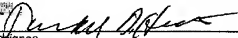
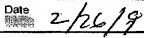
Claim 1 is being broadened to replace the limitation that a plurality of apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" with a broader limitation that the apertures be located "proximate said upwardly extending longitudinal wall". The limitation of claim 1 in the issued patent stating that the apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" is an error because it unduly restricts the location of the apertures.
(Continued on attachment sheet.)

[Attach additional sheets, if needed.]

PTO/SB/62 (02-01)

Approved for use through 01/31/2004. QMB 0851-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(REISSUE APPLICATION DECLARATION BY THE ASSIGNEE)		Docket Number (Optional) 043850.016	
All errors corrected in this reissue application, including within the preliminary amendment of Sept. 26, 2003 and the replacement amendment entered on May 5, 2005, arose without any deceptive intention on the part of the Applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.			
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.			
Name(s)		Registration Number	
Christopher A. Holland		45,316	
Dana T. Hustins		62,069	
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> Customer Number		<div style="border: 1px solid black; padding: 2px; display: inline-block;">25461</div> <div style="display: inline-block; vertical-align: middle; margin-left: 10px;">→</div> <div style="border: 1px solid black; padding: 2px; display: inline-block; text-align: center;">Place Customer Number Bar Code Label Here</div>	
OR		Type Customer Number Here	
<input type="checkbox"/> Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of person signing (given name, family name) RANDALL HEATH			
Signature 		Date 	
Address of Assignee 3300 PINSON VALLEY PKWY., PINSON AL 35217			
Patentee Randall Heath		Citizenship USA	
Residence/Post Office Address 3300 PINSON VALLEY PKWY., PINSON AL 35217			
Patentee		Citizenship	

Continuation of "at least one error upon which reissue is based":

Claim 2 is being broadened to replace the limitation that a plurality of apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" with a broader limitation that the apertures be located "proximate said upwardly extending longitudinal wall". The limitation of claim 2 in issued patent no. 6,324,796 stating that the apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" is an error because it unduly restricts the location of the apertures.

Claim 10 is being broadened to remove the limitation in element (d) that the surface tread comprise a series of "longitudinally extending" lands and crests. The limitation of claim 10, element (d) in issued patent no. 6,324,796 that the lands and crests must extend "longitudinally" is an error because it unduly restricts the orientation of the lands and crests. The phrase "longitudinally extending" in Col. 6, line 5 of patent no. 6,324,796 is an error because it restricts the orientation of the lands and crests in a manner less than the patentee had a right to claim.

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
043850.016

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,324,796 granted December 4, 2001 and for which a reissue patent is sought on the invention entitled MODULAR DECKING PLANKS,

the specification of which

☐ is attached hereto.

☒ was filed on 09/26/2003 as reissue application number 10 / 673,074
and was amended on May 5, 2005.
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Claim 1 is being broadened to replace the limitation that a plurality of apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" with a broader limitation that the apertures be located "proximate said upwardly extending longitudinal wall". The limitation of claim 1 in the issued patent stating that the apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" is an error because it unduly restricts the location of the apertures.

Claim 2 is being broadened to replace the limitation that a plurality of apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" with a broader limitation that the apertures be located "proximate said upwardly extending longitudinal wall". The limitation of claim 2 in issued patent no. 6,324,796 stating that the apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" is an error because it unduly restricts the location of the apertures.

Claim 10 is being broadened to remove the limitation in element (d) that the surface tread comprise a series of "longitudinally extending" lands and crests. The limitation of claim 10, element (d) in issued patent no. 6,324,796 that the lands and crests must extend "longitudinally" is an error because it unduly restricts the orientation of the lands and crests. The phrase "longitudinally extending" in Col. 6, line 5 of patent no. 6,324,796 is an error because it restricts the orientation of the lands and crests in a manner less than the patentee had a right to claim.

[Page 1 of 2]

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PTOSB/51 (05-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 043850.016	
<p>All errors corrected in this reissue application, including within the preliminary amendment of Sept. 26, 2003 and the replacement amendment entered on May 5, 2005, arose without any deceptive intention on the part of the Applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.</p>			
Name(s)		Registration Number	
Christopher A. Holland		46,316	
Dana T. Hustins		62,069	
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> Customer Number		25461	
OR		Type Customer Number here	
<input type="checkbox"/> Firm or Individual Name		Place Customer Number Bar Code Label here	
Address			
Address			
City		State	ZIP
Country			
Telephone		Fax	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>			
Full name of sole or first inventor (given name, family name) RANDALL HEATH			
Inventor's signature <i>Randall Heath</i>			
Residence Pinson, Alabama		Date 2/26/09	
Mailing Address 3300 Pinson Valley Parkway, Pinson, AL 35217		Citizenship USA	
Full name of second joint inventor (given name, family name)			
Inventor's signature		Date	
Residence		Citizenship	
Mailing Address			
Full name of third joint inventor (given name, family name)			
Inventor's signature		Date	
Residence		Citizenship	
Mailing Address			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			